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December 9, 2020

BY E.C.F.

Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square, Room 2201  
New York, New York 10007

**Re: *United States v. Furse et al (John Garner)*, Docket No. 14 Cr. 332 (PAE)**

Dear Judge Engelmayer:

Defense counsel respectfully submits this letter motion requesting that the sentencing of the defendant, John Garner, which had previously been scheduled for December 3, 2020, be adjourned to a date in February 2021, which is convenient with the court.

This application is being made as a result of (1) the resurgence of the Covid-19 pandemic, which has caused the suspension of trials and difficulties at the jail, and has served to prevent defense counsel from meeting with the defendant, John Garner, in-person at MDC Brooklyn prior to sentencing; and (2) John Garner's recent back surgery. Presently, John Garner is admitted to a local hospital, where he is receiving rehabilitative care, including physical therapy, and it is counsel's understanding that he will likely remain hospitalized for an additional four to six weeks.

Lastly, in light of the seriousness of the offense, the defendant's exposure, and the prospective sentence in this case, John Garner requests that he be sentenced in-person, rather than by video or teleconference.

The government has been informed of defense counsel's intention to make this application, and has indicated that it has no objection.

Thank you for your Honor's consideration of this application. If there are any questions, or if additional information is required, please contact me at your Honor's convenience.

Respectfully,

*Anthony L. Ricco*

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**GRANTED.** Sentencing is adjourned to February 11, 2021 at 10:30 a.m. The Clerk of Court is requested to terminate the motion at Dkt. No. 158.

SO ORDERED.

12/9/2020

*Paul A. Engelmayer*

PAUL A. ENGELMAYER  
United States District Judge